IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 10909 of 1994

Between:

Y.Amararaju, s/o.Appaiah @ Venkata

Ramaiah, 77 years, Ex-Karanam,

R/o. Park Street, Sattenpalli, Guntur District.

..... PETITIONER

AND

1. The State of A.P., rep.by the

Commissioner of Survey, Settlements and

Land Records, Andhra Pradesh, Hyderabad.

2. The Revenue Divisional Officer,

Guntur.

3. Inam Deputy Tahsildar, Guntur.

4. Dr. V. Rammohan Rao,

s/o. late V. Anantacharyulu,

r/o. Martoor, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, particularly one in the nature of Writ of Certiorari calling for the records relating to impugned order of the Respondent-

Commissioner issued in his proceedings in case No.VI/1634/92, dated 08-04-1993 and setting aside as arbitrary, illegal, improper, unjust and unconstitutional and violative of the principles of natural justice and the provisions of the Inams Abolition Act and consequently directing the respondent Commissioner to remand the case for fresh enquiry and decision by the Inams Deputy Tahsildar in accordance with the provisions of Inams Abolition Act as to whom the ryotwari patta should be given after giving opportunity to all the parties affected, and pass such other order or orders.

Counsel for the Petitioner: MR.G.V.L.N.MURTHY

Counsel for the Respondents 1 to 3: G.P. FOR REVENUE

Counsel for the Respondent No.4 : Mr. A. Rangacharyulu,

The Court made the following:

ORDER:

The petitioner herein, who claims to be the possessor of the land in question, filed this writ petition *inter alia* seeking to assail the orders dated 08-04-1993 vide proceedings No.VI/1634/92 passed by the 1st respondent-Commissioner of Survey, Settlements and land Records, Andhra Pradesh, Hyderabad, disposing the revision petition granting patta to Sri Venu Gopala Swamy Temple.

The case of the petitioner, in brief, is that he has been in possession of the land in question and rendering services to the temple and hence he should have given the patta for the land but not to the 4th respondent nor the institution viz., Sri Venu Gopala Swamy Temple. As such the learned counsel for the petitioner submits that as rightly held by the Revenue Divisional Officer, Guntur to issue ryotwari patta in favour of the petitioner, the petitioner is entitled for grant of ryotwari patta in his favour and to be continued in possession of the land in question. But the Commissioner, Survey, Settlements & Land Records without considering the material on record passed the impugned order directing the Mandal Revenue Officer, Phirangipuram to grant a patta in favour of the institution viz., Sri Venu Gopala Swamy Temple though the litigation in respect of the said land in between the petitioner and the respondent is pending before the Civil Court.

I have gone through the impugned order, dated 08-04-1993 passed by the first respondent-Commissioner of Survey, Settlements and Land Records, Hyderabad. It is to be seen that the first respondent discussed each and every aspect meticulously and rightly came to the conclusion that the patta in respect of the land has to be

granted in favour of the institution viz., Sri Venu Gopala Swamy Temple since statutory position being so clear and the nature of the inam was also not being disputed. Even otherwise, except making the assertion that petitioner is entitled for grant of patta to the land in question, neither any material nor any substantial piece of evidence is placed in his favour. Hence, I do not find any merit in the writ petition.

Accordingly, the Writ Petition is dismissed. No costs.

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B. Prakash Rao,J.

16th July, 2004

lsn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner of Survey, Settlements and

Land Records, Govt. of Andhra Pradesh, Hyderabad.

2. The Revenue Divisional Officer,

Guntur.

3. Inam Deputy Tahsildar, Guntur.

4. Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

5. Two CD copies